

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

U. S. DISTRICT COURT  
Southern District of Ga.  
FILED & CLERK

6/30/16

Deputy Clerk

UNITED STATES OF AMERICA )

v. )

CASE NO. CR415-095

STACY PAUL WADDELL, )

Defendant. )

O R D E R

Before the Court is Defendant Stacy Paul Waddell's Motion in Limine. (Doc. 191.) In this motion, Defendant seeks to preclude the Government from offering evidence of or referring to

- (1) Robert Folkenberg's death;
- (2) Defendant's former supervision by the United States Probation Office;
- (3) A 2009-2010 investigation of Defendant's banking activities;
- (4) A 2010 arrest on suspicion of extortion;
- (5) Videos created as practical jokes that reference "strippers;" and
- (6) Craigslist advertisements posted by Defendant.

(Id. at 1-2.) In their response, the Government states its intention not to offer as part of its case-in-chief evidence concerning Defendant's supervision, the 2009-2010

investigation, the 2010 arrest, and the practical joke videos. (Doc. 200 ¶¶ 3-4.) Accordingly, those portions of Defendant's motion are **DISMISSED AS MOOT**. However, Defendant should be aware that the Government may still be permitted to introduce that evidence outside of its case-in-chief depending on what evidence or argument Defendant offers at trial.

Defendant contends that the Government should be precluded from informing the jury of Mr. Folkenberg's death because that knowledge would be inflammatory and prejudicial. (Doc. 191 ¶ 1.) However, the Court fails to see why the Government should be precluded from informing the jury why Mr. Folkenberg is unavailable to testify at trial, necessitating the need to present his testimony in the form of a video deposition. A simple explanation that Mr. Folkenberg is absent because he passed away during the pendency of this case would not be so unduly prejudicial as to require preclusion from the jury. Accordingly, this portion of Defendant's motion is **DENIED**.

Defendant also argues that the Government should be prohibited from introducing evidence concerning the ads he placed on Craigslist. (Id. ¶ 6.) According to Defendant, this evidence should be precluded because the "3 alleged victims did not contact the defendant as a result of these

Craigslist ads." In effect, Defendant contends that the Government has insufficient evidence to support its allegations of telemarketing fraud. However, Defendant's position does not challenge the admissibility of this evidence at trial, but rather that the Government has failed to prove its case beyond a reasonable doubt with respect to telemarketing fraud. The proper time for Defendant to raise this argument is at trial, not before the Government has had an opportunity to present its evidence. Accordingly, this portion of Defendant's motion is also **DENIED**.

SO ORDERED this 29<sup>th</sup> day of June 2016.



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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA